

CT
File
06-278.02
~~X~~

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

NOTICE OF VIOLATION NO. 99-81

CERTIFIED MAIL -- RETURN RECEIPT REQUESTED
P 520 099 616

Mr. John Synder, Director (Acting)
County of San Diego
Department of Public Works
5555 Overland Avenue
San Diego, California 92123-1295

YOU ARE HEREBY NOTIFIED THAT:

On September 15, 1999, Regional Board staff inspected the San Marcos Landfill. Observations made during the inspection indicate that Order No. 92-02 and Cease and Desist Order No. 98-39 are being violated as described below:

1. Reporting Requirement E.7 of Order No. 92-02 requires the discharger to report any noncompliance which may endanger health or the environment, such as **slope failure** occurring in the waste management unit or a failure which threatens the integrity of the containment features of the landfill or retention basins. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the discharger becomes aware of the circumstances. . . The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours."

The northern sideslope of the landfill had just undergone repair of a recurring shear crack. This represents a slope failure which is a change in the site condition which could impair the integrity of waste, leachate containment facilities or precipitation and drainage control facilities and requires immediate notification. Regional Board staff had not been informed of this noncompliance prior to this inspection. This is a violation of Reporting Requirement E.7 of Order No. 92-02.

2. Reporting Requirement E.11 of Order No. 92-02 requires the discharger to immediately notify Regional Board of any flooding, equipment failure, slope failure, or other change in site conditions which could impair the integrity of waste or leachate containment facilities or of precipitation and drainage control structures.

The recurring shear crack on the northern sideslope of the landfill is an example of noncompliance which may endanger health or the environment and shall be reported verbally to the Executive Officer. The lack of notification is a violation of Reporting Requirement E. 11 of Order No. 92-02.

3. Directive No. 3.c of Cease and Desist Order No. 98-39 requires the landfill cover on the top deck of the San Marcos Landfill to be constructed to minimize percolation of precipitation through wastes. The landfill cover shall not be less than 24" thick and achieve a permeability of 3×10^{-5} cm/sec. The structural integrity and effectiveness of the landfill cover and all containment structures shall be maintained as necessary to correct the effects of settlement or other adverse factors."
 - a. The top deck is required to have two feet of intermediate cover. Regional Board staff investigated the thickness of the top deck using a soil auger. Four borings were drilled as part of this investigation. Three of four of these borings consisted of sandy, unconsolidated soil. The depth to waste ranged from 14 - 21 inches.
 - b. Lineal cracks which were noted along the southern sideslopes (GPS readings: N33°05'12.2" and W117°11'52.9") could provide a conduit for surface drainage or precipitation to contact and percolate through waste.

These two observations indicate a violation of Directive 3c. of Cease and Desist Order No. 98-39.

As of September 15, 1999, the above violations have not been satisfactorily corrected. This Notice of Violation serves as a final notice to correct the above violations. I consider resolution of conditions at the site a serious matter. In the future, I may recommend the Regional Board consider further enforcement action, including imposition of a penalty under Administrative Civil Liability. Pursuant to the Porter-Cologne Water Quality Act (California Water Code) Section 13350, any person who intentionally or negligently violates any Waste Discharge Requirements, Cleanup and Abatement Order, or other prohibition issued, reissued, or amended by this Regional Board is subject to Administrative Civil Liability in accordance with California Water Code Section 13350 (d), (e), or (f).

The total maximum civil liability which can be administratively imposed by the Regional Board is \$500 - \$5,000 per day for each day of violation, for each day a discharge occurs, and for each day a cleanup and abatement order is violated, or when there is no discharge, \$100-\$1000 per day, for each day in which the violation occurs. Additionally, the Superior Court may impose civil liability of up to 10,000 dollars per day of violation or,

if a cleanup and abatement order has been issued, up to 15,000 dollars per day of violation.

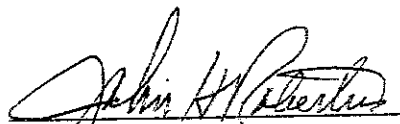
Request for Information

Pursuant to the California Water Code Section 13267, the County of San Diego is hereby directed to submit by October 29, 1999, a technical report describing the manner in which the County of San Diego will comply with the above violations. The technical report should include an investigation of the depth of cover and its permeability and compare the results with the requirements under Directive 3.c. of the Cease and Desist Order No. 98-39. We also request that a timeschedule to correct the above violations be provided in the technical report.

Questions pertaining to the issuance of this Notice of Violation should be direct to Ms. Carol Tamaki at (858) 467 - 2982. Written correspondence pertaining to this Notice of Violation should be directed to the following:

John H. Robertus, Executive Officer
California Regional Water Quality Control Board
San Diego Region
9771 Clairemont Mesa Boulevard, Suite A
San Diego, California 92124

Ordered by:


JOHN H. ROBERTUS
Executive Officer

Date: September 24, 1999